Biodiversity Net Gain (BNG)

Exemption Statement

For:

Change of use from office to provide 20 no. purpose-built student units and other external works.

Planning Reference:

At:

11-13 Whiteladies Road, Bristol, BS8 1PB

Completed By:

[redacted], Planner, Rapleys LLP

Date of Exemption Statement Completion:

31/07/2025

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

1. Article 7 ('General requirements: applications for planning permission including outline planning permission') of Part 3 of *The Town and Country Planning (Development Management Procedure) (England) Order 2015*, as amended by Regulation 5 of Part 4 of *The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024* has introduced national validation prerequisites for planning applications relating to Biodiversity Net Gain (BNG).

2. Schedule 14 of the *Environment Act 2021* introduced the concept of BNG into planning legislation, stating that "the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least [10%]".

3. Schedule 14 of the Environment Act 2021 additionally mandates that biodiversity gain objectives will be achieved through the imposition of planning conditions, thus constituting a post-permission process.

4. However, certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. These are outlined in The Biodiversity Gain Requirements (Exemptions) Regulations 2024[1]

5. The development proposals for this application meets the following exemption criterion from the Regulations (reference wording from the Regulations):

> Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, also known as the "de minimis exemption," states the following:
>
> *The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
>
> *(2) The first condition is that the development does not impact an onsite priority habitat.*
>
> *(3) The second condition is that the development impacts—*
>
> *(a) less than 25 square metres of onsite habitat that has biodiversity value(1) greater than zero; and*
>
> *(b) less than 5 metres in length of onsite linear habitat.*
>
> The proposed development meets both Conditions 1 and 2 of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

6. State how this application meets the exemption criterion stated above (see worked example for reference):

> The application site is covered entirely by buildings and hardstanding. There is no existing habitat present on the site. As a result, the proposal will not impact on more than 25sq.m of valuable habitat or 5sq.m of linear habitat. It is therefore exempt from biodiversity net gain requirements and planning conditions under the de minimis rule of Section 4 of The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024

7. Provide aerial imagery and photographs (or alternative sources) and captions to evidence your statement. For example, you may wish annotate images to show how the proposed development sits within the existing site/habitats, and how the proposals accord with the exemption claim. Add more photographs, plans or imagery of proposals if necessary.

[1] The Biodiversity Gain Requirements (Exemptions) Regulations 2024: https://www.legislation.gov.uk/uksi/2024/47/made/data.pdf

8. Whilst the development may be exempt from statutory Biodiversity Net Gain (BNG) requirements, the application for planning permission will deliver measurable net gains for nature conservation which are proportional and locally appropriate, in the following ways:

The development includes new hedgerow planting, which can deliver biodiversity gains.